



Four Corners Zoning Regulation

DRAFT
July, 2009

Adopted: _____, _____, 2009

FOUR CORNERS DRAFT ZONING REGULATION

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SECTION 1 GENERAL PROVISIONS

1.1 Title, Creation and Adoption

- 1.1.1** These Regulations shall be known as the Four Corners District Regulations. It is adopted for the Four Corners Zoning District (District), which was adopted on ____.
- 1.1.2** These Regulations are adopted pursuant to Montana Code Annotated (MCA) §76-2-201 et. seq., in accordance with the Gallatin County Growth Policy (Growth Policy) and the Four Corners Community Plan.
- 1.1.3** Copies of these Regulations and Zoning Map are on file for public inspection with the Office of the Gallatin County Clerk and Recorder and the Gallatin County Planning Department (Planning Department).

1.2 Legal Description

Land within the Four Corners Zoning District is legally defined as the following:

Township 1 South, Range 4 East

Section 34 = All land east of the centerline of River Road;

Section 35 = All;

Section 36 = All;

Township 1 South, Range 5 East

Section 29 = East ½ of the Southeast ¼;

Section 31 = All;

Section 32 = All;

Section 33 = North ½ of the Southwest ¼; Southwest ¼ of the Southwest ¼; land in the Northwest ¼ described in deed record 63FM1136 in the Gallatin County Clerk and Recorder's Office;

Township 2 South, Range 4 East

Section 1 = All;

Section 2 = All;

Section 3 = All;

Section 10 = East ½ of the Northeast ¼; Northwest ¼ of the Northeast ¼; East ½ of the Southeast ¼; land West of the centerline of River Road in the Southwest ¼ of the Northeast ¼ described as a portion of Tract C of Certificate of Survey 2513 in the Gallatin County Clerk and Recorder's Office; land West of the Centerline of River Road in the Southeast ¼ described as a portion of Tract C of Certificate of Survey 2513 in the Gallatin County Clerk and Recorder's Office;

Section 11 = All;

Section 12 = All;

Section 13 = All;

Section 14 = All except land west of the centerline of River Road in the Southwest ¼;

Section 15 = All land east of the centerline of the Kleughen Ditch in the Northeast $\frac{1}{4}$;
Section 22 = All land east of the centerline of River Road in the Southeast $\frac{1}{4}$;
Section 23 = All except land west of the centerline of River Road;
Section 24 = The North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$; the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$;
Section 25 = The North $\frac{1}{2}$ of the Northwest $\frac{1}{4}$;
Section 26 = The North $\frac{1}{2}$ of the North $\frac{1}{2}$; land west of Highway 191 in the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$; land west of Highway 191 in the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$;

Township 2 South, Range 5 East

Section 5 = the North $\frac{1}{2}$; the Southwest $\frac{1}{4}$; the West $\frac{1}{2}$ of the Southeast $\frac{1}{2}$;
Section 6 = All;
Section 7 = All;
Section 8 = the West $\frac{1}{2}$;
Section 18 = All land west of the centerline of Lynx Lane; all land north of the centerline of Elk Lane; all land west of the centerline of Beatty Road.

ADOPTION

The Board of County Commission of Gallatin County adopted the Four Corners Zoning District Regulations on ____.

GALLATIN COUNTY COMMISSION

R. Stephen White, Chair

William A. Murdock, Member

Joe P. Skinner, Member

ATTEST:

Charlotte Mays, Gallatin County Clerk and Recorder

1.3 Application of District Regulations

- 1.3.1 Application. The requirements established by these Regulations are minimum regulations and apply uniformly to each class or kind of structure or land throughout the District. Regulation provisions shall be held to the minimum that protects and promotes the public health, safety and general welfare of the District.
- 1.3.2 Zoning Regulation Conformance. All new construction is potentially subject to the provisions of these Regulations. Property owners are responsible for ensuring all activity within District boundaries conforms to these Regulations.
- 1.3.3 Exception. Under certain circumstances, the Zoning Enforcement Agent may exempt public utility pipelines, wells, or structures necessary for provision of services required for public health and safety, from provisions of these Regulations.
- 1.3.4 Vesting. An application made within the District is subject to the regulations in effect at that time.
- 1.3.5 Contradictions. These zoning regulations do not supersede, replace, or modify covenants or deed restrictions attached to the land within the District. If the requirements of these Regulations conflict with the requirements of any other lawfully adopted rules, regulations or covenants, the most restrictive (or higher standard) shall govern.
- 1.3.6 Interpretations. The Zoning Enforcement Agent, Code Compliance Specialist, Gallatin County Planning Board (Planning Board) and the Board of County Commission of Gallatin County (County Commission) can make official interpretations of the Four Corners Zoning District zoning regulations, boundaries, and map. If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the County Commission shall determine the appropriate classification of that use.
- In interpreting a use classification, the County Commission shall consider the matter in an office meeting and determine that the use:
- A. Is compatible with the uses permitted in the District.
 - B. Is similar to one or more uses permitted in the District.
 - C. Will not adversely affect property in the neighborhood or the District.
 - D. Will not abrogate the intent of the Growth Policy or these Regulations.
- 1.3.7 Natural Resources. These Regulations do not prevent the complete use, development, or recovery of any mineral (including an operation that mines sand and gravel or mixes concrete or batches asphalt), forest, or agricultural resource (MCA §76-2-209).

1.4 Intent and Purpose

- 1.4.1 These Regulations have been made in accordance with the Gallatin County Growth Policy (adopted April 15, 2003) for the purpose of promoting the public health, safety, and general welfare. Additionally, in accordance with MCA §76-2-203, these Regulations are designed to:
- A. Secure safety from fire and other dangers.
 - B. Promote public health, public safety, and the general welfare; and
 - C. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

1.5 Invalidation and Severability

- 1.5.1 If any section, subsection, subdivision, sentence, clause, paragraph, or phrase of these Regulations, or any attachments hereto, is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these Regulations to render the same operative and reasonably effective for carrying out the main purpose and intention of these Regulations.

SECTION 2 ADMINISTRATIVE PROVISIONS

2.1 Administration

2.1.1 Intent. The intent of these Regulations is to regulate and promote orderly development.

2.1.2 Zoning Enforcement Agent. The Zoning Enforcement Agent supervises and enforces the provisions of these Regulations pursuant to MCA §76-2-210. This consists of, but is not limited to, issuing sign permits, enforcing violations and reviewing applications for variances, rezoning requests and amendments to these Regulations.

2.1.3 Code Compliance Specialist. The Code Compliance Specialist ensures compliance with the provisions of these Regulations in conjunction with the Zoning Enforcement Agent. This consists of, but is not limited to, revoking sign permits, issuing cease and desist orders, requiring removal/ dismantling of structures, determining compliance with these Regulations, and issuing fines. All decisions made by the Code Compliance Specialist follow the same administrative and appeals procedures as that of the Zoning Enforcement Agent.

2.1.4 Advisory Committee. The County Commission may create a non-remunerative advisory committee, of up to five (5) members, to make recommendations within the District. Members are freeholders in the District. Advisory Committee members are appointed for two- (2) year staggered terms. Initially, two (2) members are appointed for one- (1) year terms and three (3) members are appointed for two- (2) year terms.

Advisory Committee recommendations are advisory only and are not binding upon the Commission. Advisory Committee meetings are open to the public and noticed accordingly. The Advisory Committee may also notify the Zoning Enforcement Agent of alleged violations within the District.

2.1.5 Board of Adjustment. Pursuant to §76-2-221, MCA, the County Commission has appointed a five-member Gallatin County Consolidated Board of Adjustment (“BOA”). The Gallatin County Consolidated BOA shall have jurisdiction over all matters within the Four Corners Zoning District within the BOA’s powers. Those powers shall be:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these Regulations.
- B. To hear and decide variances (special exceptions) to these Regulations that will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these Regulations will result in an unnecessary hardship, and so that the spirit of these Regulations is observed and substantial justice done.

- C. In exercising the above mentioned powers, the BOA may, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or administrative determination made by the Planning Director appealed and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all of the powers of the officer from whom the appeal is taken, (MCA §76-2-223). The concurring vote of three members of the BOA shall be necessary to grant a variance, reverse any order, requirement, decision, or determination of any such administrative official (MCA §76-2-224).
- 2.1.6 County Planning Board. The 11-member Gallatin County Planning Board (Planning Board) consists of resident freeholders serving in an advisory capacity to the County Commission. The Planning Board's role is to make recommendations on the revision of boundaries and the amendment of regulations (MCA §76-2-204 and MCA §76-2-205).
- 2.1.7 County Commission. The County Commission reserves the right to, after public notice and hearing, deny, approve or conditionally approve all conditional use applications.
- 2.1.8 Schedule of Fees. The County Commission sets fees for all applications; including but not limited to zone changes, sign permits, and variances. The County Commission will not take action on an item until fees are paid in full. Fees are non-refundable.

2.2 Non-Conforming Lots, Uses and Structures

- 2.2.1 Intent. Within the District there are non-conforming lots, uses and structures that were lawful prior to the adoption of this Regulation but no longer conform to present Regulation requirements. It is the intent of this Regulation to establish a "grandfather" clause, allowing such lots, uses and structures to remain in their present state.
- 2.2.2 Changing a Non-Conforming Lot, Use or Structure. Although existing non-conforming lots, uses and structures are allowed to remain as such under this Regulation, such non-conformities may not be enlarged upon, extended or expanded. To avoid undue hardship, nothing in this Regulation shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun or state building permit issued prior to the effective date of adoption or amendment to this Regulation.
- 2.2.3 Non-conforming Parcels of Record. Structures are permitted on non-conforming parcels, however, all requirements of the District (other than parcel size and parcel width) apply. A non-conforming parcel cannot be divided or changed in any way to reduce the original parcel area or increase its non-conformity.
- 2.2.4 Non-conforming Uses of Land. Uses which were lawful prior to adoption and/or amendment of this Regulation are allowed to remain provided:

- A. A non-conforming use cannot be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the adoption and/or amendment of this Regulation.
- B. A non-conforming use cannot be moved in whole or in part to any portion of the lot or parcel other than its original location at adoption and/or amendment of this Regulation.
- C. With the exception of seasonal uses, a non-conforming use of land cannot cease operating for more than 180 days. If a seasonal uses ceases for one season, then subsequent use of such land shall conform with this Regulation.

2.2.5 Non-conforming Structures or Uses of Structures. Structures which were lawful prior to adoption and/or amendment of this Regulation are allowed to remain provided:

- A. A non-conforming structure or use of structure cannot be altered or enlarged in any way which increases its non-conformity. It is okay to decrease the non-conformity of a structure or use of structure.
- B. A non-conforming structure may be re-built in substantially the same manner if such structure is destroyed by a catastrophic event. Any use or structure which is not substantially the same as the original must conform with this Regulation.
- C. Any non-conforming use may be extended within a structure, but no such use may be extended in any way to occupy land outside the building.
- D. If a non-conforming structure is moved, it must conform to this Regulation.

2.2.6 Repairs and Maintenance. Ordinary maintenance, such as wiring, plumbing, repair or replacement of non-load-bearing walls, may be accomplished on a non-conforming structure provided such work does not increase the cubic content of the building. Nothing in this Regulation shall prevent the strengthening or restoring a structure declared to be unsafe to a safe condition.

2.2.7 Zoning Enforcement Agent Determination. The Zoning Enforcement Agent determines the status of non-conforming land uses and structures under the following procedure:

- A. The owner of record of subject use/structure shall make an application for a determination of status.
- B. It is the applicant's burden to provide entitlement to approved non-conforming status by subject supporting information. Such information may include: septic or sewer hook-up permits, land use permits, business permits and dated photographs.
- C. The Zoning Enforcement Agent shall determine on a case-by-case basis whether a land use or structure is an existing non-conforming use or structure.

- D. Appeals of Zoning Enforcement Agent decisions may be submitted under the Administrative Appeal Process.

2.3 Land Use Permits

- 2.3.1 Intent. Land Use Permits are required prior to construction of new Structures, and for the expansion of existing Structures by more than 50% of the total square footage, within the District. An approved Land Use Permit shows conformity with Regulation requirements.

A. **Exceptions.** The following new construction does not require a Land Use Permit:

- i. *Agricultural Structures.* The construction of or addition to a new Agricultural Structure does not require a LUP.
- ii. *Accessory Structures Less than 200 sq. ft. and Decks.* The construction of or the addition to an Accessory Structure that results in a footprint less than 200 sq. ft. and the construction or addition to a Deck does not require a LUP but must be located outside any existing easements of record (utility, road, access, irrigation, pipelines, etc...).
- iii. *Fences/Walls.* The construction or development of a fence or wall may be built directly on the property line and does not require any review or approval under these Regulations.

- 2.3.2 Process. Landowners shall submit Land Use Permit applications (with accompanying fee) to the Planning Department for new Structures as defined by this Regulation. The Planning Department inspects applications to determine if projects comply with provisions of this Regulation.

- 2.3.3 Septic Permits. Landowners shall provide proof of septic or sewer permits with those projects which contemplate new facilities or extension of existing facilities.

- 2.3.4 Appeals. Appeals of Zoning Enforcement Agent decisions may be submitted under the Administrative Appeal Process.

- 2.3.5 Expiration. Land Use Permits expire if building or work authorized by the permit has not commenced within 12 months from the original permit date. Landowners must obtain a new permit, at one-half the fee, to re-commence work after permit expires.

2.4 Conditional Use Permits

- 2.4.1 Intent. Conditional Use Permits (CUPs) are required prior to operation of a use which is not a permitted use, but allowed conditionally under this Regulation.

2.4.2 Requirements. Structures or land within the District may not be used for any purpose unless such use is specifically listed as a permitted or conditional use in this Regulation. The Commission may grant a conditional use when they find:

- A. The use conforms to the objectives of the Gallatin County Growth Policy and the intent of this Regulation.
- B. The use will not adversely affect nearby properties or their occupants.
- C. The use meets density, coverage, yard, height, and all other regulations of the district in which it is located, unless otherwise provided in this Regulation.
- D. A public hearing, after notice has been given, has been held.

2.4.3 Procedure. All CUP applications shall be submitted to the Planning Department on the required form with the accompanying fee. A hearing on the matter is scheduled before the Commission, and the Commission shall either approve or deny the application based on the facts. The Commission may impose reasonable conditions, as it may deem necessary to mitigate project impacts. Use cannot commence until all conditions have been met.

2.4.4 Notice. Notice of the public hearing shall be published at least once 15 days prior to the hearing in a newspaper of general circulation. Adjacent property owners shall be noticed by certified mail.

2.4.5 Revocation or Modification. The Commission may revoke or modify a CUP under the following circumstances (under the procedure described above):

- A. If conditions have changed substantially since original approval.
- B. Revocation or modification is necessary to protect the health, safety, or welfare of the area, or is necessary to preserve the integrity of existing use patterns in the area.
- C. The person holding the permit has not complied with the required conditions, or has not materially changed their position by detrimentally relying on said permit.

2.4.6 Expiration/Extensions. The Commission may issue a CUP for a definite term. Extensions can be obtained through written application made 30 days prior to expiration, with accompanying fee, and notification sent to adjacent property owners. An extension shall be granted if no objection is received. A public hearing will be held if objection is received

2.5 Sign Permits

- 2.5.1 Intent. Unless otherwise authorized by the terms of a zoning district, a Sign Permit is required prior to construction of Signs subject to this Regulation. An approved Sign Permit shows conformity with the requirements of these Regulations.
- 2.5.2 Process. Prior to commencing construction, a landowner shall submit a sign Permit application (with accompanying fee) to the applicable County planning agency for new Signs as defined by this Regulation. The Zoning Enforcement Agent inspects applications to determine if projects comply with provisions of this Regulation.
- 2.5.3 Signs Requiring Sign Permit Approval. The construction or development of a new Sign or the addition to or replacement of an existing Sign under ____ requires a Sign Permit prior to construction.
- 2.5.4 Appeals. Appeals of Zoning Enforcement Agent decisions may be submitted under the administrative appeal process in Sect. 6.
- 2.5.5 Expiration. Sign Permits expire if building or work authorized by the permit has not commenced within 12 months from the original permit date. Landowners must obtain a new permit, at one-half the fee, to re-commence work after permit expires.

2.6 Variances

- 2.6.1 Intent. It is the intent of this section to provide a process for relief from the occasional inequities created by the physical standards of these Regulations when such standards create a substantially unequal burden on a particular parcel of land in a fashion that would otherwise prevent the reasonable use of the property owing to physical circumstances unique to that parcel. In addition, the intent of this section is to prohibit the granting of variances that would be contrary to the public interest and endanger public health, safety and welfare. No variance shall be granted to allow the use or development of property for a purpose not authorized within the zone in which the proposed development would be located.
- 2.6.2 Criteria. In granting a variance, the Board of Adjustment (BOA) shall issue findings setting forth factual evidence that the variance:
- A. Will observe the intent and purpose of these Regulations, including the Gallatin County Growth Policy, and do substantial justice.
 - B. Will not be injurious to the public health, safety, and general welfare.
 - C. Will not be contrary to and will serve the public interest.
 - D. Is necessary, owing to conditions unique to the property, to avoid unnecessary hardship which would unavoidably result from the enforcement of the literal meaning of these Regulations:

- i. Hardship does not include difficulties arising from actions, or otherwise be self-imposed, by the applicant or previous predecessors in interest, or potential for greater financial returns; and
 - ii. Conditions unique to the property may include slope, presence of watercourses, after-the-fact imposition of additional regulations on previously lawful parcels, and governmental actions outside of the owner's control.
 - iii. Is the minimum relief necessary to provide reasonable use of the property.
- 2.6.3 Procedure. All variance applications shall be submitted to the Planning Department on the required form with the accompanying fee. A hearing on the matter is scheduled before the BOA, and the BOA shall either approve or deny the application based on the facts. The BOA may impose reasonable conditions, as it may deem necessary to mitigate project impacts. The concurring vote of three members of the BOA shall be necessary to decide in favor, wholly or partly, of any variance from these Regulations.
- 2.6.4 Notice. Notice of the public hearing shall be published at least once fifteen (15) days prior to the hearing in a newspaper of general circulation. Adjacent property owners shall be noticed by certified mail.

2.7 Amendments

- 2.7.1 Intent. These Regulations and the boundaries of the zoning map may be amended or revised whenever the public health, safety and general welfare requires such amendment. Amendments shall follow the procedure prescribed by MCA §76-2-201 et seq.), and these Regulations.
- 2.7.2 Procedure. An amendment may be initiated by submittal of one of the following to the Planning Department:
- A. The petition of (1) or more landowners in the District. The petition shall be filed on the required application and accompanied by the required fee; or
 - B. Resolution of intention of the County Commission; or
 - C. Resolution of intention of the Planning Board.
- 2.7.3 Planning Board. The Planning Board shall make recommendations on the revision of boundaries and the amendment of these Regulations to the County Commission.
- 2.7.4 Hearing. The County Commission shall consider all proposed amendments at a public hearing. The County Commission may adopt the amendment in accordance with the procedure prescribed by MCA §76-2-205.
- 2.7.5 Notice. Notice of the public hearing shall be published in a newspaper of general circulation pursuant to MCA §76-2-205.

2.8 Appeals Process

- 2.8.1 Appeal from Zoning Enforcement Agent. The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination by the Zoning Enforcement Agent, and reverse or affirm, wholly or partly, or modify the order, decision, or determination of the Zoning Enforcement Agent.
- A. An appeal from any final order, decision, or determination of the Zoning Enforcement Agent may be made to the applicable Board of Adjustment within 30 days after the decision is filed and served or, in the case of official interpretations of these Regulations and/or the official Zoning Map, within 30 days from the official interpretation. The appeal must be submitted to the Zoning Enforcement Agent via certified mail or hand delivery, be accompanied by the appeal fee as established by the Commission, and state the basis for the appeal.
 - B. Upon receipt of appeal, a public hearing shall be scheduled before the applicable Board of Adjustment. Notice of the public hearing shall be sent to adjacent property owners via certified mail if applicable, and be published in a newspaper of general circulation at least once fifteen days prior to the hearing.
- 2.8.2 Appeal from Board of Adjustment. Pursuant to MCA § 76-2-227 and 76-2-228, a decision from the Board of Adjustment may be appealed to the Eighteenth Judicial District Court within 30 days from the date the decision is filed in the office of the board.
- 2.8.3 Appeal from County Commission. Pursuant to MCA § 76-2-227 and 76-2-228, a decision from the Commission may be appealed to the Eighteenth Judicial District Court within 30 days from the date the decision is filed in the office of the board

2.9 Complaints and Enforcement

- 2.9.1 Complaints. Any person may file a signed, written complaint with the Zoning Enforcement Agent addressing an alleged violation of these Regulations. The complaint shall fully describe the facts supporting the complaint.
- A. Upon receipt of a complaint or discovery of an alleged violation by other means, the Zoning Enforcement Agent may investigate an alleged violation, and determine if a violation exists. If the Zoning Enforcement Agent determines a violation exists, they may take action to resolve the violation.
 - B. The name of the person filing the complaint may remain confidential until the violation is remedied and/or there is a public hearing on the matter.
- 2.9.2 Investigations. When investigating an alleged violation, the Zoning Enforcement Agent shall review these Regulations and other applicable information, regulations, rules or

laws regarding the alleged violation. The Zoning Enforcement Agent may inspect the alleged violation from public right-of-way, from a neighboring property or the site itself if permission has been granted for the inspection. Permission for access is assumed in the event an alleged violator has a permit application pending with the Zoning Enforcement Agent. The investigator shall document the inspection with written notes and/or photographs as appropriate.

2.9.3 Administrative Remedies. If the Zoning Enforcement Agent determines that any of the provisions of this title are being violated, including conditions of approval for any permit, they may pursue enforcement remedies provided by law. The Zoning Enforcement Agent may informally work with an alleged violator to achieve voluntary compliance. When instituting formal enforcement proceedings, the Zoning Enforcement Agent shall notify an alleged violator in writing of the corrective action necessary to remedy the violation.

- A. The Zoning Enforcement Agent may: (i) revoke any Land Use Permit; (ii) issue orders to obtain after-the-fact permits; (iii) issue cease and desist orders requiring cessation of any building, moving, alteration or use which is in violation of these Regulations, (iv) require mitigation and/or corrective action, which may include orders to dismantle or remove noncompliant Structures to remedy the violation; (v) determine when compliance has been achieved and approve permits for structures brought into compliance with these regulations; and/or (vi) take any other action authorized by these Regulations and law to insure compliance with, or prevent violation of its provisions.
- B. Persons liable for violations and compliance with any order, determination, decision, fine, penalty, proceeding, and remedial action shall include without limitation, any and all owners, tenants, leaseholders, builders, contractors, architects, agents or other persons or entities that commits, maintains, participates, assists, causes or contributes to such violation; hereinafter “persons.”
- C. The owner of any building, Sign, premises, or part thereof, shall be held liable for any and all violations, remedies, remedial actions, fines, penalties, enforcement actions or proceedings, and shall be required to comply with any order, determination and decision of the Zoning Enforcement Agent. In addition to the owner, any person as defined herein shall each, jointly and severally, be held liable for any and all violations, remedies, remedial actions, fines, penalties, enforcement actions or proceedings, and shall be required to comply with any order, determination and decision of the Zoning Enforcement Agent.
- D. Gallatin County and/or the Zoning Enforcement Agent shall have the right to proceed or take action jointly or severally against any or all persons, and the failure to proceed or take action against any person or persons shall not constitute a waiver of any rights or remedies whatsoever against any person or persons.

2.9.4 Civil Fine. The Zoning Enforcement Agent may assess violators an administrative fine of up to \$500.00 per violation. Each day of violation may be considered a separate

offense. When determining the amount and duration of the fine, the Zoning Enforcement Agent shall consider the nature, circumstances, extent and gravity of the violation, any prior history of such violations, the degree of culpability, and such other matters as justice may require. If the fine is not paid, it shall become a lien upon the property.

- 2.9.5 Injunction. The Commission, through the County Attorney or otherwise, may bring an action in the name of Gallatin County in the District Court to enforce these Regulations, which may include without limitation injunctive relief.
- 2.9.6 Remedies, Cumulative. The remedies provided for herein shall be cumulative and not exclusive. No waiver shall result in the failure to enforce any provision(s).

SECTION 3 RURAL RESIDENTIAL AND AGRICULTURAL SUB-DISTRICT (RR/A)

3.1 Purpose.

This chapter establishes the Rural Residential and Agricultural Sub-District and standards specifically applicable within the Sub-District. The purpose of the Rural Residential and Agricultural Sub-District is to promote and preserve continued agricultural and rural residential use of property, including waterways, open space, trails, and wildlife corridors as important elements of the Four Corners community. For the purpose of § 76-2-209, MCA, the RR/A Rural Residential and Agricultural Sub-District is determined to be residential in nature. Uses in this Sub-District must meet all compatibility requirements detailed in Section 9.

3.2 Principal Uses.

Principal uses permitted in the RR/A Zoning Sub-District are listed below. With the exception of Agriculture and agriculture-related structures, any new construction associated with principal uses require an administrative land use permit from the Planning Department prior to any construction. See Article II for the permitting process.

Use	Comments
Agriculture and agricultural activity	Includes associated structures and employee housing.
Day Care, Family	
Essential Services, Type I	
Home Occupations	See development standards in Section 9.2.7
Mobile Home Parks	
Religious Organizations and places of Worship	
Residential	Includes single-family residences up to and including four-plexes (including apartments), accessory uses, guesthouses, and caretakers residences. Accessory dwelling units shall not exceed more than two.
Riding Stables	Including commercial equestrian facilities
Schools	
Wind or Solar Towers	

3.3 Conditional Uses.

Conditional uses permitted in the RR/A Zoning District are listed below and will require a conditional use permit pursuant to Article II prior to commencement.

Use	Comments
Bed and Breakfast Inns	Including Boarding Houses

Communications Towers	Outside of platted subdivisions
Community Centers	
Daycare	Includes Group and Center
Essential Services, Type II	
Extended Care	
Golf Courses and Country Clubs	
Home-based businesses	
Non-Conforming Uses - Expansion	
Opencut Operations (AKA Gravel Mining)	Excluding asphalt mixing plants. See Section 9.2.8 for Development Standards.
Residential	Residential uses exceeding four-plex units
RV Parks and Recreational Campgrounds	
Special events facilities and uses	
Veterinary Clinics	Not including Animal Kennel Operations
Warehousing	Self-storage only

3.4 Required Property Line Setbacks.

- 3.4.1 Setbacks: There are no minimum property line setbacks. Property line setbacks are controlled by the landscape buffers described in Section 9.2.5.
- 3.4.2 Exemptions. When a lot owner owns multiple lots, landscape buffers for the common interior property line do not apply and lot owners may build across lot lines. Landscaped buffers apply on the outer lot lines.

3.5 Building Height.

Unless otherwise excepted by Section 3.5.1, the height of all new Structures shall be limited to 50 feet as measured from the lowest point of the finished grade to the highest structural point of the roof.

- 3.5.1 Exemptions. The construction of a new Agricultural Structure or the addition to an existing Agricultural Structure is not subject to the requirements of Section 3.5.

3.6 Density.

The number of lots allowed is based on gross average density. There is no minimum lot size; lots may be any size as long as the overall density of the project does not exceed that allowed by this section. Base density in the RR/A subdistrict shall not exceed 1.75 units per gross acre.

- 3.6.1 Fractional Density. If the number of allowable gross units result in a fractional number, the fractional number shall be rounded off to the nearest whole number to determine the

allowable units per project. For the purposes of rounding off, 0.5 and above shall be rounded up to the next highest number, and 0.49 and below shall be rounded down to the next lowest number.

- 3.6.2 Inter-District Transfer of Rights (TDR) and/or Credits (TDC). In the event a countywide TDR or TDC program is created, this section will apply. Subdivisions purchasing development credits from Gallatin County Sending Areas may receive a density up to 2.5 units per gross acre.

Open space requirements for subdivisions purchasing credits shall refer to Table 3.1 below.

- 3.6.3 Intra-District Transfers of Development Rights. Residential development rights may be transferred between properties within the RR/A Sub-District of the Four Corners Zoning District, including between properties in different sub-districts, with the exception that no development rights may be transferred into the LDRR/A Sub-District.

Subdivisions purchasing development rights from within the Four Corners Zoning District may receive a density up to 3.5 units per gross acre. Open space requirements for subdivisions purchasing credits shall refer to Table 3.1 below. Property selling development rights shall refer to Section 3.7.4 below.

3.7 Open Space Requirements.

Park space required by the Montana Subdivision and Platting Act and the Gallatin County Subdivision Regulations is included in the open space calculations.

- 3.7.1 General Requirements. Subdivisions with any lots smaller than 5 acres shall provide open space in compliance with the sliding scale in Table 3.1. See Section 9.3.4 for compliance with all open space standards.
- 3.7.2 Sliding Scale Requirements. Open Space requirements within new subdivisions shall follow a sliding scale increasing relative to the density of the subdivision according to Table 1.1. If the increased density results in a fraction that does not correspond to one of the categories in the table below, the open space requirement for the nearest density shall be used.

Table 3.1

Transfer of Development Credits/Rights Program	Density	Percentage of Open Space Required Within Subdivision
Density allowed by right	Less than 1 lot per 5 acres to 1.75 units per acre	20%
Density achieved by transfer of rights or credits	Greater than 1.75 units per acre to 2 units per acre	20%
Density achieved by transfer of rights or credits	Greater than 2 units per acre to 2.5 units per acre	25%
Density achieved by transfer of rights only	Greater than 2.5 units per acre to 3 units per acre	25%
Density achieved by transfer of rights only	Greater than 3 units per acre to 3.5 units per acre	25%

- 3.7.3 Open Space Requirements for Intra-District Transfers of Development Rights. Open space shall be permanently set aside on the property sending the development rights within the District in an amount corresponding to the number of rights purchased using the base density (as per Section 1.6). (For example, based on a base density of 1.75 units per acre, if 18 development rights are purchased, 10 acres of open space shall be set permanently aside on the sending parcel and not counted in any future development right calculation.) Standards in Section 9.3.4 apply.

3.8 Additional Standards.

- 3.8.1 Refer to Section 9 for Development Standards.
- 3.8.2 Landowners are reminded that other federal, state, and local approvals may be required, including but not limited to approval for sanitation and water supply facilities, demonstration of adequate water rights, access or system impact approvals from Gallatin County and/or the Montana Department of Transportation, compliance with covenants, or any other federal, state, or local approvals required by law. If the requirements of this Regulation conflict with the requirements of any other lawfully adopted rules, regulations or covenants, the most restrictive (or higher standard) shall govern.

SECTION 4 LOW DENSITY RURAL RESIDENTIAL AND AGRICULTURAL SUB-DISTRICT (LDRR/A)

4.1 Purpose.

This chapter establishes the Low Density Rural Residential and Agricultural Sub-District and the standards that are specifically applicable within the Sub-District. The Low Density Rural Residential and Agricultural (LDRR/A) Sub-District is located along the Gallatin River. The purpose of the LDRR/A Sub-District is to promote and preserve continued agricultural and rural residential use of property, including waterways, open space, trails, and wildlife corridors along the Gallatin River. For the purpose of §76-2-209 MCA, the LDRR/A Sub-District is determined to be residential in nature. Uses in this Sub-District must meet all compatibility requirements detailed in Section 9.

4.2 Principal Uses.

Principal uses permitted in the LDRR/A Zoning Sub-District are listed below. With the exception of Agriculture and agriculture-related structures, any new construction associated with principal uses require an administrative land use permit from the Planning Department prior to any construction. See Article II for the permitting process.

Use	Comments
Agriculture and agricultural activity	Includes associated structures and employee housing.
Day Care, Family	
Essential Services, Type I	
Home Occupations	See development standards in Section 9.2.7,
Mobile Home Parks	
Religious Organizations and places of Worship	
Residential	Includes single-family residences up to and including four-plexes (including apartments), accessory uses, guesthouses, and caretakers residences. Accessory dwelling units shall not exceed more than two.
Riding Stables	Including commercial equestrian facilities
Schools	
Wind or Solar Towers	

4.3 Conditional Uses.

Conditional uses permitted in the LDRR/A Sub-District are listed below and will require a conditional use permit pursuant to Article II prior to commencement.

Use	Comments
Bed and Breakfast Inns	Including Boarding Houses
Communications Towers	Outside of platted subdivisions
Community Centers	
Daycare	Both Group and Center
Essential Services, Type II	
Extended Care	
Golf Courses and Country Clubs	
Home-based businesses	
Non-Conforming Uses - Expansion	
Opencut Operation (AKA Gravel Mine)	Excluding asphalt mixing plants. See Section 9.2.8 for Development Standards.
Residential	Residential uses exceeding four-plex units
RV Parks and Recreational Campgrounds	
Special events facilities and uses	
Veterinary Clinics	Not including Animal Kennel Operations

4.4 Required Property Line Setbacks.

- 4.4.1 Setbacks: There are no minimum property line setbacks. Property line setbacks are controlled by the landscape buffers described in Section 9.2.5.
- 4.4.2 Exemptions. When a lot owner owns multiple lots, landscape buffers for the common interior property line do not apply and lot owners may build across lot lines. Landscaped buffers apply on the outer lot lines.

4.5 Building Height.

Unless otherwise excepted by Section 4.5.1, the height of all new Structures shall be limited to 50 feet as measured from the lowest point of the finished grade to the highest structural point of the roof.

- 4.5.1 Exemptions. The construction of a new Agricultural Structure or the addition to an existing Agricultural Structure is not subject to the requirements of Section 4.5.

4.6 Density.

The number of lots allowed is based on gross average density. There is no minimum lot size; lots may be any size as long as the overall density of the project does not exceed that allowed by this section. Base density in the LDRR/A subdistrict shall be one unit per 10 acres.

- 4.6.1 Density Bonus. If 75% of a development is preserved as open space in compliance with Section 9.3.4, density may be increased up to one unit per 5 acres.

4.7 Additional Standards.

- 4.7.1 Refer to Section 9 for Development Standards.
- 4.7.2 Landowners are reminded that other federal, state, and local approvals may be required, including but not limited to approval for sanitation and water supply facilities, demonstration of adequate water rights, access or system impact approvals from Gallatin County and/or the Montana Department of Transportation, compliance with covenants, or any other federal, state, or local approvals required by law. If the requirements of this Regulation conflict with the requirements of any other lawfully adopted rules, regulations or covenants, the most restrictive (or higher standard) shall govern.

SECTION 5 MIXED USE DISTRICT (MU)

5.1 Purpose.

This chapter establishes the Mixed Use Sub-District and standards specifically applicable within the Sub-District. The purpose of the MU district is to allow residential and non-residential uses, along with the agricultural uses which are currently in existence. The Mixed Use District recognizes the Rainbow Subdivision, an area that has historically developed with a blend of residential and non-residential uses, as well as new areas which are suitable for a mix of residential and non-residential.

5.2 Principal Uses.

Principal uses permitted in the MU Zoning Sub-District are listed below. With the exception of Agriculture and agriculture-related structures, any new construction associated with principal uses require an administrative land use permit from the Planning Department prior to any construction. See Article II for the permitting process.

Use	Comments
All principal uses in the RR/A District	
Arts and Entertainment Center	
Bed and Breakfast Inns	Including Boarding Houses
Community Centers	
Daycare	Includes Family, Group, and Center
Emergency Services	
Financial Institutions and Services	
Health and Exercise Services	
Home-Based Businesses and Home Occupations	
Laboratories and Research Facilities	
Lodges and Clubs	
Medical and Dental Clinics	
Museums	
Offices	
Public and Quasi-Public Institutions	
Repair, Light Goods	
Residential	Residential uses exceeding four-plex units
Restaurants	
Retail	
RV Parks and Recreational Campgrounds	
Services, Personal and Business	
Special Events Facilities	
Veterinary Clinics	Does not include animal kennel operations
Warehousing	Includes self-storage and outdoor RV/boats/trailers not for sale

5.3 Conditional Uses.

Conditional uses permitted in the MU Zoning District are listed below. A conditional use will require a conditional use permit (CUP) prior to establishment and will require a conditional use permit pursuant to Article II prior to commencement.

Use	Comments
Amusement and Recreation Facilities	
Asphalt/Concrete Mixing Plants	
Bars/Gambling Establishment	
Building Height Exceeding Section 3. 5	
Car Washes	
Communication Towers	
Essential Services, Type II	
Extended Care	
Fireworks Stands	
Golf Courses and Country Clubs	
Hotels and Motels, including extended-stay lodging	
Junkyards and Salvage Yards	
Manufacturing, Light	
Non-Conforming Uses - Expansion	
Opencut Operations (AKA Gravel Mining)	
Repair	
Retail, Large Scale	

5.4 Required Property Line Setbacks.

5.4.1 Setbacks. There are no minimum property line setbacks. Property line setbacks are controlled by the landscape buffers described in Section 9.2.5.

5.4.2 Exceptions: When a lot owner owns multiple lots, landscape buffers for the common interior property line do not apply and lot owners may build across lot lines. Landscaped buffers apply on the outer lot lines.

5.5 Building Height.

Unless otherwise excepted by Section 5.5.1, the height of all new Structures shall be limited to 60 feet as measured from the lowest point of the finished grade to the highest structural point of the roof. A building height of greater than 60 feet requires a conditional use permit.

5.5.1 Exemptions. The construction of a new Agricultural Structure or the addition to an existing Agricultural Structure is not subject to the requirements of Section 5.5.

5.6 Density. There are no density requirements.

5.7 Additional Standards.

- 5.7.1 Location of Uses. Development within the Mixed Use District shall be designed to locate higher-intensity uses within the 1/8 mile from the right-of-way of the nearest arterial road; lower intensity uses, such as residential or light commercial, shall be designed to locate farther away from the nearest arterial.
- 5.7.2 Mixing of Residential and Commercial. Residential and Commercial uses may be mixed in the same building.
- 5.7.3 Development Standards. Refer to Section 9 for Development Standards
- 5.7.4 Condominiums are an allowed use within the MU Sub-District.
- 5.7.5 Where the MU Sub-District does not correspond with a property line, the boundary of the Sub-District shall be measured 1/4 of a mile from the right-of-way of the nearest arterial road which it borders.
- 5.7.6 Landowners are reminded that other federal, state, and local approvals may be required, including but not limited to approval for sanitation and water supply facilities, demonstration of adequate water rights, access or system impact approvals from Gallatin County and/or the Montana Department of Transportation, compliance with covenants, or any other federal, state, or local approvals required by law. If the requirements of this Regulation conflict with the requirements of any other lawfully adopted rules, regulations or covenants, the most restrictive (or higher standard) shall govern.

SECTION 6 COMMERCIAL DISTRICT (C)

6.1 Purpose.

This chapter establishes the Commercial Sub-District and standards specifically applicable within the Sub-District. The purpose of the Commercial district is to allow commercial uses of higher intensity. Where the compatibility standards are met, it is also intended to allow for mixed commercial and residential uses.

6.2 Principal Uses.

Principal uses permitted in the Commercial Zoning Sub-District are listed below. With the exception of Agriculture and agriculture-related structures, any new construction associated with principal uses require an administrative land use permit from the Planning Department prior to any construction. See Article II for the permitting process.

Use	Comments
All principal uses in the RR/A and MU District	
Bars	
Amusement and Recreation Facilities	
Automobile fuel sales	
Car washes	
Extended Care	
Fireworks stands	
Hotels and motels	
Manufacturing, Light	
Repair	
Retail, Large Scale	
Solid waste/recycling transfer station	

6.3 Conditional Uses.

Conditional uses permitted in the Commercial Zoning District are listed below and will require a conditional use permit pursuant to Article XXX prior to commencement.

Use	
Asphalt/Concrete Mixing Plants	
Building Height Exceeding Section 4. 5	
Communication Towers	
Essential Services, Type II	
Golf courses and country clubs	
Junkyards and Salvage Yards	
Manufacturing, Heavy	

Non-Conforming Uses, Expansion	
Opencut Operations (AKA Gravel Mining)	

6.4 Setbacks.

- 6.4.1 Setbacks. There are no minimum property line setbacks. Property line setbacks are controlled by the landscape buffers described in Section 9.2.5.
- 6.4.2 Exceptions: When a lot owner owns multiple lots, landscape buffers for the common interior property line do not apply and lot owners may build across lot lines. Landscaped buffers apply on the outer lot lines.

6.5 Building Height.

Unless otherwise excepted by Section 3.5.1, the height of all new Structures shall be limited to 60 feet as measured from the lowest point of the finished grade to the highest structural point of the roof. A building height of greater than 60 feet requires a conditional use permit.

- 6.5.1 Exemptions. The construction of a new Agricultural Structure or the addition to an existing Agricultural Structure is not subject to the requirements of Section 6.5.

6.6 Density. There are no density requirements.

6.7 Additional Standards.

- 6.7.1 Development Standards. Refer to Section 9 for Development Standards
- 6.7.2 Condominiums are an allowed use within the C Sub-District.
- 6.7.3 Where the C Sub-District does not correspond with a property line, the boundary of the Sub-District shall be measured 1/4 of a mile from the right-of-way of the nearest arterial road which it borders.
- 6.7.4 Landowners are reminded that other federal, state, and local approvals may be required, including but not limited to approval for sanitation and water supply facilities, demonstration of adequate water rights, access or system impact approvals from Gallatin County and/or the Montana Department of Transportation, compliance with covenants, or any other federal, state, or local approvals required by law. If the requirements of this Regulation conflict with the requirements of any other lawfully adopted rules, regulations or covenants, the most restrictive (or higher standard) shall govern.

SECTION 7 NEIGHBORHOOD COMMERCIAL (NC)

7.1 Purpose.

This chapter establishes the Neighborhood Commercial Sub-District and standards specifically applicable within the Sub-District. The purpose of this Sub-District is to provide for small-scale commercial, while still maintaining compatibility with adjacent residential land uses. The NC Sub-District, as identified on the Four Corners Zoning Map, shall be measured 1/8 of a mile from the right-of-way of the edge of the nearest arterial intersection.

7.2 Principal Uses.

Principal uses permitted in the NC Zoning Sub-District are listed below. With the exception of Agriculture and agriculture-related structures, any new construction associated with principal uses require an administrative land use permit from the Planning Department prior to any construction. See Article II for the permitting process.

Use	Comments
Agriculture and agricultural activity	
Bars	
Daycare facilities	
Essential Services, Type I	
Financial Institutions and Services	
Health and Exercise Services	
Home-Based Businesses and Home Occupations	
Medical and Dental clinics	
Mobile Home Parks	
Offices	Excluding commercial antennas.
Public and Quasi-Public Institutions	
Religious organizations and places of Worship	
Repair	
Residential	Includes single-family residences up to and including four-plexes (including apartments), accessory uses, guesthouses, and caretakers residences. Accessory dwelling units shall not exceed more than two.
Restaurants	Excluding drive-through windows
Schools	
Services, Personal and Business	
Wind and Solar Towers	

7.3 Conditional Uses.

Conditional uses permitted in the NC Zoning District are listed below. A conditional uses will require a conditional use permit (CUP) prior to establishment and will require a conditional use permit pursuant to Article II prior to commencement.

Use	Comments
Automobile fuel sales	
Bed and Breakfast Inns	Including Boarding Houses
Car washes	
Communication Towers	Outside of platted subdivisions
Community Centers	
Essential Services, Type II	
Extended Care	
Golf courses and country clubs	
Non-Conforming Uses, Expansion	
Opencut Operations (AKA Gravel Mining)	
Repair, Light Goods	
Residential	Residential uses exceeding four-plex units
Restaurants	Including drive-through windows
RV parks and recreational campgrounds	
Special Events Facilities	
Warehousing	Self-storage only

7.4 Required Property Line Setbacks.

7.4.1 Setbacks: There are no minimum property line setbacks. Property line setbacks are controlled by the landscape buffers described in Section 9.2.5.

7.4.2 Exemptions. When a lot owner owns multiple lots, landscape buffers for the common interior property line do not apply and lot owners may build across lot lines. Landscaped buffers apply on the outer lot lines.

7.5 Building Height.

Unless otherwise excepted by Section 5.5.1, the height of all new Structures shall be limited to 50 feet as measured from the lowest point of the finished grade to the highest structural point of the roof.

7.5.1 Exemptions. The construction of a new Agricultural Structure or the addition to an existing Agricultural Structure is not subject to the requirements of Section 5.5.

7.6 Density.

There are no density requirements for commercial subdivision. Residential density shall not exceed 1.75 units per gross acre.

7.7 Additional Standards.

- 7.7.1 Commercial Building Footprints Commercial building footprints shall not exceed 5,000 square feet.
- 7.7.2 Commercial Condominiums are an allowed use within the NC Sub-District.
- 7.7.3 Development Standards. Refer to Section 9 for Development Standards.
- 7.7.3 Other Requirements. Landowners are reminded that other federal, state, and local approvals may be required, including but not limited to approval for sanitation and water supply facilities, demonstration of adequate water rights, access or system impact approvals from Gallatin County and/or the Montana Department of Transportation, compliance with covenants, or any other federal, state, or local approvals required by law. If the requirements of this Regulation conflict with the requirements of any other lawfully adopted rules, regulations or covenants, the most restrictive (or higher standard) shall govern.

SECTION 8 PUBLIC LANDS AND INSTITUTIONS (PLI)

8.1 Purpose.

This chapter establishes the Public Lands and Institutions (PLI) Sub-District and the standards that are specifically applicable within the Sub-District. The purpose of the PLI Sub-District is to allow for continued use of both the Montana State University Experimental Farm and the Monforton Elementary School.

8.2 Principal Uses.

Principal uses permitted in the PLI Zoning Sub-District are listed below. With the exception of Agriculture and agriculture-related structures, any new construction associated with principal uses require an administrative land use permit from the Planning Department prior to any construction. See Article II for the permitting process.

Use	Comments
Agriculture	Including agricultural research and teaching through Montana State University. Also includes any associated structures.
Religious Organizations and Places of Worship	
Schools	

8.3 Required Property Line Setbacks. There are no property line setbacks.

8.4 Building Height. Unless otherwise excepted by Section 8.5.1, the height of all new Structures shall be limited to 50 feet as measured from the lowest point of the finished grade to the highest structural point of the roof.

8.5.1 Exemptions. The construction of a new Agricultural Structure or the addition to an existing Agricultural Structure is not subject to the requirements of Section 8.5.

8.5 Density. There are no density standards

SECTION 9 DEVELOPMENT STANDARDS

9.1 Standards Protecting Agriculture (Plan Policy 1)

9.1.1 Purpose. The purpose of this section is to provide standards implementing Policy 1 of the Four Corners Community Plan, protecting the right to farm and ranch.

9.1.2 Agricultural Water Conveyance Facilities (Canals and Ditches).

A. Identification of Agricultural Water Conveyance Facilities. Any proposed use requiring a Land Use Permit shall identify all Agricultural Water Conveyance Facilities located on the property or which might be affected by the construction on the submitted Site Plan.

B. Acknowledgment of contact with irrigation entity. Any proposed use requiring a Land Use Permit within 50 feet of the centerline of an Agricultural Water Conveyance Facility shall submit with their Land Use Permit application acknowledgment of contact with the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives. Those users or representatives have 30 days to respond. A model acknowledgment form is included in Appendix A. If a subdivision has addressed impacts to an Agricultural Water Conveyance Facility through the subdivision review process, the applicant may substitute that evidence with a Land Use Permit Application for an acknowledgement form.

C. Stormwater or snowmelt runoff. Unless there is written consent from the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives, any proposed use requiring a Land Use Permit shall be designed and developed so stormwater, snowmelt runoff, water from dewatering activities, or other water originating from within the boundaries of the subdivision, does not run into or become captured by any Agricultural Water Conveyance Facility.

D. Modifications of water transmission. There shall be no interference or obstruction in the transmission of water in any Agricultural Water Conveyance Facility without written consent from the appropriate water users and/or water conveyance facility's authorized representatives. Before any maintenance, improvements, crossings, or modifications are performed on any water conveyance facility, the appropriate water users and/or Agricultural Water Conveyance Facility's authorized representatives must give written permission for the work to be done.

9.1.3 Fencing. All new subdivisions shall be fenced to prevent conflict with any existing agricultural operations on neighboring properties. Providing legally adequate fencing

shall be the responsibility of the developer, and the continuing maintenance of all such fencing shall be the responsibility of the owner or property owners' association.

9.2 Standards For Land Use Compatibility (Plan Policy 2)

9.2.1 Purpose. The purpose of this section is to implement Policy 2, which encourages a variety of compatible uses, and Policy 9.1, encourage lighting that protects the night sky, of the Four Corners Community Plan.

9.2.2 Connections. All uses shall be designed, where possible, to share connections with adjoining uses to facilitate traffic flow, allow for functional pedestrian connections, and access for emergency vehicles.

9.2.3 Outdoor Lighting Standards. The outdoor lighting standards apply to new commercial, industrial, or residential construction except as follows.

A. **Exemption.** The following uses are exempt from the lighting standards:

- i.* Agricultural Structures and uses;
- ii.* Single-family residential uses on parcels two acres or greater.
- iii.* Structures in platted subdivisions with existing covenants addressing lighting standards.

B. Lighting Standards:

- i.* Lighting fixtures must be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the Structure façade, landscape, or other intended site feature and away from adjoining properties and the public right-of-way;
- ii.* Flag pole lights may be illuminated by one upward aimed, fully shielded spotlight fixture.

C. Prohibited Outdoor Lighting:

- i.* Blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lighting, except lighting for temporary seasonal displays, or lighting for public safety;
- ii.* Any light fixture that may be confused with or construed as a traffic control device;

iii. Any upward oriented lighting except as otherwise provided for in this section;

iv. Searchlights, beacons, and laser source fixtures.

9.2.4 Road Improvements. The following standards mitigate the impact of high-traffic uses on roads.

- A. **Average Daily Traffic (ADT).** ADT for lots approved for multi-family development and/or commercial development shall be determined based on the figures from the most current volume of the Institute of Traffic Engineers (ITE) Manual;
- B. **Traffic Impact Studies.** Uses generating 500 ADT or more shall be required to provide a Traffic Impact Study (TIS) with their Land Use Permit application and shall provide mitigation as identified by the TIS prior to obtaining a Certificate of Occupancy. Where required, a TIS shall comply with the requirements of the Gallatin County Subdivision Regulations for the process and TIS requirements;
- C. **Greater Bozeman Area Transportation Plan.** All uses and subdivisions requiring improvements to County roads shall refer to the current adopted version of the Greater Bozeman Area Transportation Plan for road improvement design standards.

9.2.5 Landscaping. Landscaped buffers are used to mitigate impacts of adjacent land uses of differing intensity.

A. Projects Requiring Landscaped Buffering:

- i.* New subdivision;
- ii.* New construction of twelve or more dwelling units in multi-family Structures; or
- iii.* New Construction of 15,000 or more square feet of office space, retail commercial space, service commercial space, or industrial space; or
- iv.* New Construction of more than one building on one site for office uses, retail commercial uses, service commercial uses, industrial uses, or combinations of uses; or
- v.* New use utilizing 10,000 or more square feet of exterior storage materials or goods; or
- vii.* Expansion of any of the above-mentioned uses by more than 1,000 square feet.

B. Minimum Landscape Buffer Requirements.

- i. Width.* The width of required buffers varies with the nature of the uses being separated. See Table 7.1.
- ii. Existing Landscaping.* Retention of existing landscaping (trees and shrubs meeting the definition of 7.2.5.Biii.a, b, c, d, or e) is required.
- iii. New Landscaping.* The landscaped buffer shall contain at least one of the following groups of plant materials at a minimum average density of one group for each fifty linear feet:
 - a. One large canopy tree and one large non-canopy tree; or
 - b. One large canopy tree and two small trees; or
 - c. One large canopy tree and five evergreen shrubs; or
 - d. One large canopy tree, one small tree, and two large evergreen shrubs; or
 - e. Two large non-canopy trees and one small tree.
- iv. Fences/Walls.* Fences or walls shall be opaque and at least six feet in height. The fence or wall shall be on the interior side of the buffer, placing landscaping nearest neighboring properties.

C. Buffer Width Exceptions.

- i.* Where a lot is 40 feet wide or less, buffer widths may be reduced by half or, if adjacent landowners provide agreement in writing, waived. In situations where multiple adjoining lots are owned by the same owner and treated as a single lot whose outer lot lines exceed 40 feet wide, buffers on the outer lot lines must meet the full buffer requirement.
- ii.* Landscaped buffering shall not be required if the proposed use results in industrial and/or commercial uses where rear yards are adjacent/adjoining.
- iii.* Landscape buffers between new commercial and existing, adjacent agriculture only apply to agricultural uses with residential Structures within 20 feet of the adjacent property line.

D. Buffer Width Reduction: Additional Plantings. Minimum requirements may be reduced where a greater density and diversity of plantings is included in the buffer. The buffer width reductions permitted by this section are cumulative and may result in a total reduction of up to 30%.

i. Large canopy or non-canopy trees. The required buffer width shall be reduced by 10% where five or more large canopy or large non-canopy trees per hundred lineal feet are planted or retained.

ii. Small trees. The required buffer width shall be reduced by 10% where five or more understory trees per hundred lineal feet are planted or retained.

iii. Shrubs. The required buffer width shall be reduced by 10% where 20 or more shrubs per hundred lineal feet are planted or retained.

E. Buffer Crossings/Inclusions. Required buffers may be crossed by access drives, utility lines, sidewalks, and pedestrian trails. Pedestrian trails and buried utility lines may be included in a buffer. Permitted freestanding signs may be based in required buffers. Outdoor sales or storage shall not be permitted within a required buffer.

Table 9.1 - Landscaped Buffer Requirements

The following table applies to new subdivision and to construction meeting the criteria of 9.2.5.A. When uses are mixed in the same Structure, the lower minimum buffer width applies. For the purposes of this table, institutional uses are treated as commercial. Proposed uses adjacent to existing agricultural uses shall not be required to provide buffering.

<u>Proposed Use</u>	<u>Existing Adjacent Use</u>	<u>Minimum Buffer Width</u>	<u>Fence or Wall?*</u>
Industrial	Residential	40	Yes
Industrial	Agriculture	40	Yes
Industrial	Commercial, general	10	No
Industrial	Public Road	10	No
Commercial, general	Industrial	10	No
Commercial	Residential	20	No
Commercial	Agriculture	20	No
Commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	Residential	30	Yes
Commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	Agriculture	30	Yes
Commercial, general	Public Road	10	No
Residential	Industrial	40	No
Residential	Commercial, general	20	No
Residential	Commercial outdoor materials storage, handling, or sales area, over 10,000 square feet	30	No
Residential construction meeting the criteria of 7.2.5.A	Single-Family or Duplex Residential	20	No
Residential construction meeting the criteria of 7.2.5.A	Agriculture	20	No
Single-Family or Duplex Residential	Residential construction meeting the criteria of 9.2.5.A	20	No

9.2.6 Home-Based Businesses. A home-based business shall meet the following standards:

- A. The home-based business shall not change the residential character of the lot or adversely affect adjacent properties or the uses permitted in the district.
- B. All vehicles, materials, and solid waste related to the home-based business must be located within Structures or screened from view.
- C. All parking shall be provided on site.

9.2.7 Home Occupations. A home occupation shall meet the following standards:

- A. No one residing off premises may be employed (for work related to the occupation), on the premises of a home occupation.
- B. All parking shall be provided on site.

9.2.8 Opencut Operations. Opencut Operations shall comply with the following standards:

- A. New Operations. No new Opencut Operations or expansion of an existing Opencut Operation in the AR/R, NC, or LDRR/A sub-districts shall be located within ½ mile of an existing residential Structure. The distance shall be measured from the outer edge of the proposed Opencut Operation to the closest edge of the neighboring residential Structure.
 - i. If all residents within ½ mile of a proposed Opencut Operation waive this standard in writing, then the Opencut Operation may be allowed with an approved Conditional Use Permit.
- B. Existing Operations. If permits on file with the State Department of Environmental Quality expire, the Opencut Operation may renew the terms of the original permit without obtaining a Conditional Use Permit. In the case of an expansion of an existing Opencut Operation, the applicant must also obtain a Conditional Use Permit from Gallatin County.
- C. Exceptions. On-site, non-commercial Opencut Operations are exempt from Section 9.2.8.

9.3 Standards For the Environment (Policies 3 and 8)

9.3.1 Purpose. The purpose of this section is to implement Policy 3, support the provision of parks, recreation, and open space, and Policy 8, support constraints-based planning with emphasis on sustainability and suitable mixed-use developments, of the Four Corners Neighborhood Plan. This section sets out standards for the protection of watercourses, wetlands, and open space.

9.3.2 Watercourses.

- A. Construction setbacks to the Gallatin River.** A 300-foot setback shall be provided between the ordinary high water mark and any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock. Other exceptions are detailed in Section 9.3.2.D below.
- B. Construction setbacks to other Watercourses.** A 150-foot setback shall be provided from the ordinary high water mark of all other watercourses for any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock. This setback does not apply to Agricultural Water Conveyance Facilities.
- C. Retention of existing vegetation.** Riparian areas and existing vegetation along watercourses shall be maintained to the maximum extent possible.
- D. Exceptions.** Lots of record created prior to creation of the Montana Subdivision and Platting Act (July 1, 1973) shall meet the following standards:
 - i. Construction setbacks to the Gallatin River.* A 150-foot setback shall be provided between the ordinary high water mark and any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock.
 - ii. Construction setbacks to other Watercourses.* A 75-foot setback shall be provided from the ordinary high water mark of all other watercourses for any new Structures requiring a Land Use Permit, excluding Structures used for agricultural purposes or the maintenance of livestock. This setback does not include Agricultural Water Conveyance Facilities.

9.3.3 Wetlands.

- A. Wetlands Delineation.** A wetlands delineation prepared by a professional wetlands scientist in accordance with the current guidelines of the Army Corps of Engineers must accompany the following applications:
 - i.* The subdivision of land in compliance with Title 76, Chapter 3, MCA;
 - ii.* Land Use Permits for construction activity requiring any of the following permits:
 - a.* Montana Stream Protection Act (SPA 124 Permit);

- b. Stormwater Discharge General Permit;
- c. Montana Natural Streambed and Land Preservation Act (310 Permit);
- d. Montana Floodplain and Floodway Management Act (Floodplain Development Permit);
- e. Federal Clean Water Act (404 Permit);
- f. Federal Rivers and Harbors Act (Section 10 Permit);
- g. Montana Land-Use License or Easement on Navigable Waters.

B. Wetland Protection Standards. The following standards shall apply to all Wetlands:

- i.* Location in Open Space. Wetlands shall be designated within permanent Open Space in new Subdivisions (see Section 9.3.4 for open space standards);
- ii.* Setback. A 35-foot setback shall be provided between all Wetlands and any new Structures requiring a Land Use Permit, with the exception of:
 - a. Structures used for agricultural purposes or for the maintenance of livestock.
 - b. Structures built on lots created prior to establishment of the Montana Subdivision and Platting Act (July 1, 1973)
- iii.* Wetlands may be altered if federal and state permits are obtained, or if permits are not required, compliance with all federal and state guidelines; all altered and newly-created Wetlands shall meet the standards of Section 9.3.3.

C. Exemptions. Exemptions to Section 9.3.3 are as follows:

- i.* Wetlands may be modified for necessary utility lines, roads, driveways, and trails, provided that all state and federal permits are obtained.
- ii.* Structures used for agricultural purposes or the maintenance of livestock, as well as docks, decks, and boathouses, are exempt from these requirements.

9.3.4 Open Space.

A. Open Space Standards. Open space shall be permanently protected and shall meet the following standards:

- i.* Open space shall provide effective corridors through proposed development for both wildlife movement and/or trails.
- ii.* Where possible, open space shall be designed to be contiguous to open space in adjacent developments;
- iii.* Open space should include wildlife habitat, riparian areas (including land set aside in watercourse setbacks), and Wetlands;
- iv.* Open space calculations shall not include road rights-of-way, parking areas, Structures (unless associated with agriculture or with recreation intended to be used or managed by the property owners' association) required landscape buffer areas, or land within individually owned lots (unless meeting the requirements of 7.3.4.B.iv below);
- v.* Maintenance of designated open space shall be the responsibility of the property owners' association or, in the case of 7.3.4.B.iv, individual lot owners.

B. Methods of Preserving Open Space. Open space shall be permanently protected and may be held in one of the following ways:

- i.* Open space parcel dedicated to the property owners' association;
- ii.* Dedication as a park according to the requirements of the Gallatin County Subdivision Regulations;
- iii.* A perpetual conservation easement restricting development of the Open Space and allowing open space uses as provided above and granted to an organization acceptable to the County Commission;
- iv.* An individual parcel owned by an individual lot owner or other third party, dedicated as permanent Open Space on the plat and meeting all requirements of 7.3.4.A above.

9.4 Standards Promoting a Quality Streetscape (Policy 7)

9.4.1 Purpose. The purpose of this is to implement Policy 7 of the Four Corners Neighborhood Plan, "Promote a quality streetscape".

9.4.2 Standards for New Structures Adjacent to Jackrabbit Lane (Highway 85), Huffine Lane (Highway 191), and Highway 191 south of Four Corners. The following standards apply to new Structures (both buildings and parking lots).

A. Parking to Side or Rear of Structures.

- i. *Parking Lot Design.* Parking for new Structures requiring a Land Use Permit shall not be located more than two rows deep between the primary Structure and Jackrabbit Lane, Huffine Lane, or Highway 191 Lane south of Four Corners. Other necessary parking shall be placed to the side or rear of Structures.
- ii. *Exception:* New Structures requiring a Land Use Permit at the intersection of Huffine Lane and Jackrabbit Lane are exempted from Section 9.4.2.i.

B. Connections. New subdivision and construction of new Structures requiring a Land Use Permit shall design traffic and pedestrian connections, such as sidewalks and trails, between lots and buildings, including, but not limited to, shared drives, and multiple and/or shared access points.

C. Pedestrian Trails/Sidewalks. Pedestrian trails and sidewalks shall be constructed to connect pedestrians to the entrance of buildings from sidewalks or trails along any frontage roads and from parking lots.

D. Exceptions. A new use in an existing Structure does not need to meet the standards of Section 9.4.2.

9.4.3 Signs. Standards for signs are as follows:

A. Standards for Signs on property fronting Jackrabbit Lane (State Highway 85), Huffine Lane (State Highway 191), Norris Road (State Highway 84) and Highway 191 south of Four Corners.

- i. **Building Signs.** There are no requirements for signs on buildings.
- ii. **Temporary Signs.** There are no requirements for Temporary Signs.
- iii. **Freestanding Signs.**
 - 1. One on-site Freestanding Sign is allowed for each lot or, for lots fronting more than one road listed in 9.4.3.A, per lot side fronting one of those roads. Additionally, one off-premise sign shall also be allowed per lot or, for larger lots, per 300 linear feet of highway road frontage.

2. *Height.* Maximum height of all pole or monument signs shall be 30 feet measured from the base of the nearest road edge.
3. *Square Footage.*
 - a. On-site Freestanding Signs shall not exceed a maximum square footage of 240 square feet per Sign Face.
 - b. Sign Face of off-site Freestanding Signs shall not exceed a maximum square footage of 96 square feet per Sign Face.
- iv. **Master Signs.** Buildings or clusters of buildings having more than one tenant or use, multi-tenant condo associations, and multi-lot incorporated property owners associations may utilize a Master Sign for the entire structure or project.
 1. *Height.* Maximum height of all Master Signs shall be 30 feet measured from the base of the nearest road edge.
 2. *Square Footage.* Master Signs shall not exceed a maximum square footage of 240 square feet of Sign Area per Sign Face.
 3. *Height for other signs within multi-lot developments.* Lots within a multi-lot development utilizing a Master Sign may have one on-premise Free-Standing sign up to 30 feet in height measured from the base of the nearest road edge.
 4. *Square Footage of other signs within multi-lot developments.* Lots within a multi-lot development utilizing a Master Sign may have one on-premise Free-Standing Sign with a Sign Area of up to 96 square feet per Sign Face.

B. Standards for Signs on property fronting all other roads in the District.

- i. **Building Signs.** There are no requirements for signs on buildings.
- ii. **Temporary Signs.** There are no requirements for Temporary Signs.
- iii. **Free-Standing Signs.**
 1. One on-site Freestanding Sign is allowed per lot or, for larger lots, per 400 linear feet of road frontage. Additionally, one off-

premise sign shall also be allowed per lot or, for larger lots, per 400 linear feet of road frontage.

2. *Height.* Maximum height of all Free-Standing Signs shall be 25 feet measured from the base of the nearest road edge.
3. *Square Footage.* On-site Freestanding Signs shall not exceed a maximum square footage of 96 square feet of Sign Area per Sign Face.

iv. **Master Signs.** Buildings or clusters of buildings having more than one tenant or use, multi-tenant condo associations, and multi-lot incorporated property owners associations may utilize a Master Sign for the entire structure or project.

1. *Height.* Maximum height of all Master Signs shall be 23 feet measured from the base of the nearest road edge.
2. *Square Footage.* Master Signs shall not exceed a maximum square footage of 96 square feet of Sign Area per Sign Face.
3. *Height for other signs within multi-lot developments.* Lots within a multi-lot development utilizing a Master Sign may have one on-premise Free-Standing sign up to 30 feet in height measured from the base of the nearest road edge.
4. *Square Footage of other signs within multi-lot developments.* Lots within a multi-lot development utilizing a Master Sign may have one on-premise Free-Standing Sign with a Sign Area of up to 96 square feet of Sign Area per Sign Face.

v. **Prohibited Signs.** The following signs are prohibited:

1. Flashing, blinking, or moving signs.
2. Spotlights or other fixtures used for the illumination of a sign constituting a nuisance or a traffic hazard, including, but not limited to light sources not shielded from the direct line-of-sight view of passing motorists;

9.4.4 Commercial Outdoor Sales and Storage. Standards for commercial outdoor storage and display, including but not limited to car dealerships and implement dealers, are as follows:

- A. **Landscaped Buffers.** All commercial outdoor sales and display must comply with the landscaped buffers of Section 9.2.5.B. Outdoor sales and display shall not be located in any required yard or buffer.

SECTION 10 DEFINITIONS

10.1. Definitions and Glossary

10.1.1 Intent. For the purposes of this Regulation certain words and terms used herein as defined. All words in the Regulation shall be first defined as provided herein, and, if not defined herein, shall be defined in the Gallatin County Growth Policy and, if not defined therein, shall have their customary dictionary definitions.

10.1.2 The Rules of Interpretation. The following rules of interpretation and definitions apply to the definitions for the Gallatin County Model District. The Rules of Interpretation include: (1) the present tense includes the future tense; and (2) all words in the plural number include the singular number unless the natural construction of the wording indicates otherwise; (3) the word 'shall' is always mandatory; (4) the word 'person' includes a firm, association, organization, partnership, trust, company or corporation as well as the individual.

-A-

Accessory Structure. A subordinate structure, or portion of the principal structure, located on the same lot as the principal building, which is customarily incidental to the principal structure. When part of an accessory structure is connected to a part of the principal structure by a common wall, such accessory structure shall be counted as part of the principal structure. Individual public utility installations aboveground are considered accessory buildings.

Accessory Use. A subordinate use of land which is customarily incidental to the principal use of the land.

Agriculture. The use of the land for grazing or cropping to produce food, feed, and fiber commodities. Examples include, but are not limited to: cultivation and tillage of the soil; dairying and animal husbandry; growing and harvesting of agricultural and horticultural commodities; and the raising of livestock, bees or poultry; as well as post-harvest activities such as include uses such as farm stands and the sale of goods grown or produced as part of the agricultural operation. Does not include uses such as game farms, fur farms, animal hospitals, commercial dog kennels, horse stables, riding arenas, animal feeding operations or similar uses.

Agricultural Water User Facility. Agricultural water user facilities and other facilities that convey water for agriculture, stock, domestic, fish and wildlife, industrial, irrigation, mining, municipal, power, recreation, aquifer recharge or mitigation, and all other beneficial uses set forth in Section 85-2-101, *et seq.*, MCA. These facilities include, but are not limited to, ditches, canals, pipelines, flumes, wells, infiltration galleries, diversion structures, headgates, pumps, blowoffs, swales, and associated infrastructure. This term is intended to include a "watercourse" as defined in these regulations or any man-made structure the primary purpose of which is to convey stormwater.

Agricultural Structures, Exempt. All agricultural structures used exclusively for agricultural purposes on qualified agricultural lands.

Amusement and Recreation Facilities. Commercial facilities include, but are not limited to, arenas, rings, rinks, and racetracks; arcades, amusement parks; amusement and bathing beaches; campgrounds; swimming pools; riding academies; paintball facilities; carnival operations; bowling alleys and pool halls; and horse shows.

Apartment. A habitable room or suite of two or more habitable rooms meeting the requirements of the International Building Code, located in an apartment building or used for residential purposes in nonresidential districts, as specified. Efficiency units and studios qualify as an apartment.

Apartment Building. A building other than a hotel or motel containing five or more dwelling units.

Arts and Entertainment Center. A structure or facility for the presentation of the performing arts, including indoor motion picture theaters; dance halls; theaters for live performances; indoor concert halls; studios for arts education, such as dance or painting.

-B-

Bar. An establishment with a license issued pursuant to Title 16, chapter 4, MCA, that is devoted to serving alcoholic beverages for consumption by guests or patrons on the premises and in which the serving of food is only incidental to the service of alcoholic beverages or gambling operations, including but not limited to taverns, night clubs, cocktail lounges, and casinos.

Boarding (Rooming or Lodging) House. A residential structure that provides lodging with or without meals, is available for permanent or seasonal occupancy, and which makes no provisions for cooking in any of the rooms occupied by paying guests.

Bed and Breakfast Inn. A dwelling unit serving guests on a nightly basis, used as the primary residence of the owner; and serving meals to overnight guests only.

Buffering. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Building Height. Building height is measured from the lowest point of the finished grade to the highest structural point of the roof.

-C-

Caretaker's Residence. Dwelling unit for a person who takes care of the property. Caretaker residences may be located within a single-family dwelling unit, above a garage, within or above an accessory building, or as a separate living unit on a parcel with an existing dwelling unit.

Campground. Land which is used or intended to be used, let, or rented for temporary occupancy by campers traveling by automobile or otherwise, or for occupancy by tents or similar quarters.

Communication Tower. An unstaffed facility for the transmission or reception of radio frequency (RF), microwave, cell tower, or other signals for commercial communications purposes, typically consisting of an equipment enclosure, an antenna support structure, and one or more antennae. It excludes amateur radios, Essential Services (Type I), satellite earth stations, and private receive-only antennae, such as for the reception of television signals.

Community Centers. A building, or portion of a building, or use of land, used for non-profit cultural, educational, recreational, or social activities which is open to the public or a designated part of the public, usually owned and operated by a public or non-profit group or agency. Including, but not limited to, Boys and Girls Clubs, Cultural Centers, and similar uses. Does not include schools, churches, fraternities, lodges, or similar uses.

Condominium. The ownership of single units with common elements.

Conforming Use. Any use allowed by the regulations as a permitted use or conditional use.

Covenant. A recorded agreement stating certain activities and/or practices that are required or prohibited. Subdivision covenants are not enforced by the Gallatin County Planning Department.

-D-

Day Care Center. A place in which supplemental care is provided for 13 or more nonresident persons on a regular basis and which is licensed by the State of Montana.

Day Care Home, Family. A private residence in which supplemental care is provided to three to six nonresident persons from separate families on a regular basis and which is registered by the State of Montana.

Day Care Home, Group. A private residence in which supplemental care is provided for seven to 12 nonresident persons on a regular basis and which is registered by the State of Montana.

Density, Base. The maximum number of dwelling units permitted outright by a particular land-use classification.

Density, Bonus. The granting of the allowance of additional density in a development in exchange for the provision by the developer of other desirable amenities from a public perspective such as open space.

Density, Gross. A calculation that divides the total residential units by the total area to be developed, excluding nothing.

Development. Any man-made change to improve or alter real estate, including but not limited to subdivision of land, buildings, or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

Development Right. The right to develop property in accordance with applicable regulations.

Dwelling. A structure or portion thereof providing permanent cooking, eating, sleeping and living facilities exclusively for human habitation.

Dwelling, Accessory. A dwelling, subordinate to the principal dwelling, and which may be attached or detached from the principal dwelling, that provides separate and a complete living facilities which may further defined as a caretaker's residence, agricultural employee housing, guest house, or efficiency apartment, and which may be rented.

-E-

Equestrian Facility, Commercial. Commercial facilities that may include barns, stables, arenas, corrals, and paddocks for equine (horse, donkey, and mules) operations including: horse ranches, boarding stables, riding schools, equine exhibitions facilities and arenas accessory to the facility use.

Emergency Services. A building or use, often supported by government funds, to be used in an emergency service capacity. Examples include police, fire, and ambulance stations.

Essential Services, Type I. Uses including, but not limited to, water pumping stations; stormwater drainage facilities (including collection lines, retention/detention ponds, and drainage ways); sanitary sewer and storm sewer lift stations; local service telephone lines and cables; local service electrical and gas distribution lines and cables; local service cable television lines; local service electronic data transmission lines and cables; local service gas transmission lines and cables ; water and sanitary sewer distribution and collection lines; public and amateur radio antennae and towers; public treatment facilities (water, sanitary sewer and storm sewer); public domestic water storage facilities; water fill stations for firefighting equipment; telephone exchanges and repeater stations (not including cell towers); fire and police stations.

Essential Services, Type II. Uses including, but not limited to, transport gas, oil, and coal pipelines (interstate and intrastate), electric substations; electrical transmission lines (interstate and intrastate); and public supply facilities (electric and gas).

Existing Use. The use of a lot or structure at the time of the adoption of a zoning regulation.

Extended Care (Nursing and Residential Care). A facility or a distinct part of a facility such as a nursing home, infirmary unit of a home for the aged, or a governmental medical facilities, licensed or otherwise approved to provide healthcare under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority.

-F-

Farm Produce Stand. A temporary structure on the premises for the sale of locally grown produce.

Financial Institutions and Services. Uses including, but not limited to, banks and savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, and mortgage companies.

Fireworks Stand. A temporary structure on the premises for the seasonal sale of fireworks.

-G-

Gambling Establishments. An establishment whose primary use or activity is gambling, either in the form of gambling machines (video poker, keno, etc.), card games, or other licensed gambling activity. A casino will normally have beverage and restaurant facilities as ancillary uses. In all instances, an establishment will be considered a gambling establishment if any of the following characteristics apply:

1. The establishment is referenced as a gambling establishment or casinor by signage or by name;
2. More than one card table is on the premises;
3. The predominant source of income is from gambling revenue.

Generally, an establishment will not be considered a gambling establishment when the premise contains no live card games and the gambling devices are clearly incidental to the primary use of the establishment.

Grade. (1) The lowest elevation of the land around a structure; (2) the percent of rise or descent of a sloping surface.

Guest House. An attached or detached accessory structure used to house guests of the occupants of the principal structure, and which is never rented or offered for rent.

-H-

Health and Exercise Services. An establishment equipped for the conduct of sports, exercise activities and other customary and usual recreational activities, including tennis, racquetball, handball or squash courts, martial arts, gymnastics, weight and aerobic exercise rooms, running facilities, swimming pools, and whirlpool/sauna facilities. Permitted accessory uses shall include, but are not limited to, child care, tanning booths, massage, health and nutrition services, retail sales of sporting goods, and restaurant services.

Home-Based Business. A Home-Based Business is operated by a person residing within the dwelling, with three or less employees working on-site or 10 or less employees if the work conducted by the Home-Based Business takes place off-site. Uses include, but are not limited to, contracting businesses; service businesses; offices; music, art, or other schools instruction; individual artist studios and galleries.

Home Occupation. A Home Occupation is operated by a person residing within the dwelling where activities are wholly contained within the principal building and/or an accessory structure. Uses include, but are not limited to, professional services such as accountant, physician, real estate agent; individual artist studios and galleries, handcraft studio, music studio, or similar studio uses; a tailor; repair of furniture and small appliances; tutoring; and counseling primarily for individual persons.

Hotel. A facility offering transient lodging accommodations to the general public and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

-J-

Junk and Salvage Yard. Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or sorted.

-K-

Kennel, Animal. A commercial establishment, in which domesticated animals are housed, groomed, bred, temporarily boarded, shown, trained, or sold, all for a fee or compensation. It does not include zoos, animal hospitals operated by licensed veterinarians, or accessory animal husbandry uses to qualified agricultural operations.

-L-

Laboratory and Research Facilities. A facility for conducting investigation in the natural, physical, technological, or social sciences, including, but not limited to, engineering, technological, and product development.

Landscape Plan. A component of a development plan which may show: proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection and irrigation of existing vegetation during and after construction; proposed treatment of hard soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

Lighting, Direct. Illumination resulting from light emitted directly from the light source.

Lighting, Fully Shielded. (Also referred to as cutoff-type lighting) Any outdoor light fixture shielded in such a manner that all light emitted by the fixture (directly or indirectly) is projected below a horizontal plane running through the lowest point of the fixture where light is emitted.

Lighting, Indirect. Direct light that has been reflected or has scattered off other surfaces.

Lighting, Outdoor. The illumination of an outdoor area or object by a man-made device, permanently installed or portable, that produces light used for illumination, decoration, security, or advertisement.

Lighting, Partially Shielded. Any light fixture shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal.

Lodges and Clubs. The use of structures and/or land for social, educational, and recreational purposes, to which membership is required for participation. Does not include granting individuals permission to hunt or fish on private property; does not include outfitting operations; does not include shooting ranges.

Lot. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

-M-

Manufacturing, Light. The manufacture, predominantly from previously-prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Manufacturing, Heavy. The basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive material, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Mixed Use Development. The development of a tract of land or structure with a variety of complimentary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Mobile Home. A transportable, manufactured structure, suitable for year-round single-family household occupancy and having water, electrical and sewage connections similar to those of conventional dwellings. This definition applies to only units constructed prior to Federal Manufacturing Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Mobile Home Park. A parcel of land upon which two or more spaces are available to the public and designated for occupancy by trailers or mobile homes for use as residences.

Motel. An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without necessity of passing through the main lobby.

-N-

Non-Conforming Parcel. A parcel, the area, dimensions or location of which was lawful prior to the adoption, revision, or amendment of a zoning regulation but fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning regulation.

Non-Conforming Sign. Any sign lawfully existing on the effective date of a regulation, or amendment thereto, that renders such a sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended regulation.

Non-Conforming Structure. A structure, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning regulation but fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning regulation.

Non-Conforming Use. A use or activity that was lawful prior to the adoption, revision or amendment of a zoning regulation but fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning regulation.

Nuisance. Anything that is indecent or offensive to the senses as defined by Section 27-30-101, MCA.

Nursing and Residential Care Facilities. An extended or intermediate care facility licensed or approved to provide full time, convalescent, or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

-O-

Offices. Buildings or portions of buildings in which commercial activities take place but where goods are not produced, sold, or repaired. Including, but not limited to, general and professional offices; governmental offices; insurance offices; real estate offices, travel agencies; utility offices; and radio and TV broadcasting offices.

Opencut Operation (AKA Gravel Mine) – means and includes the following activities, if they are conducted for the primary purpose of sale or utilization of materials, (a) removing the overburden and mining directly from the exposed natural deposits or mining directly from natural deposits of materials; (b) mine site preparation, including access; (c) processing of materials within the area that is to be mined or contiguous to the area that is to be mined or the access road; (d) transportation of materials on areas referred to in the aforementioned; (e) storing or stockpiling of materials on areas referred to in (a) through (c); (g) reclamation of affected land; and any other associated surface or subsurface activity conducted on areas referred to in (a) through (c). Opencut Operations do not include projects not intended for off-site sale.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, or their guests of land adjoining or neighboring such open space.

Ordinary High Water Mark. The outermost line caused by water impressing on land and covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line include, when appropriate, but are not limited to, deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural vegetative value. A floodplain adjacent to surface waters is not considered to lie within the surface water's high water marks.

-P-

Parcel. A contiguous lot or tract of land owned and recorded as a property of the same persons or controlled by a single entity.

Parcel of Record. An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office.

Park. Any public or private area of land, with or without structures, for the purpose of passive and active recreational uses.

Parking. Space reserved for the parking of motor vehicles.

Parking Area. An area, other than a street or alley designated for use, or used, for temporary parking of vehicles.

Principal Use. A use or structure which determines the predominate or major use of the lot on which it is located. The principal use shall be that use which establishes the character of

the property relative to surrounding or adjacent properties. Also, A use which is specifically listed as a permitted use for a district and which meets the intent of the district without additional conditions or special review and approval being required

Property Owner's Association (Home Owner's Association). An association incorporated or not incorporated, combining individual property ownership with shared use or ownership of common property or facilities, or shared maintenance of subdivision or community facilities; also referred to as a Home Owner's Association, HOA). This definition includes condominium associations.

Public/Quasi-Public Uses. A building or use, often supported by government funds, to be used in an official capacity on behalf of the public. Including, but not limited to, structures with various civic uses such as libraries, meeting rooms, post offices, trade schools and other academic institutions, both public and private.

-R-

Recreational Vehicle Park. A place renting space to park individual camping trailers, pickup campers, motor homes, travel trailers, or automobiles for transient dwelling purposes.

Religious Organizations and Places of Worship. A structure, or group of structures, that by design and construction are primarily intended for conducting organized religious services and associated uses. May be referred to as a church, synagogue, temple, mosque, or other name as the facility that is used for prayer by persons of similar belief.

Repair. Any repair not defined as "light goods repair". Includes automobile repair.

Repair, Light Goods. Uses primarily engaged in repair services, including, but not limited to, the repair of appliances, shoes or other clothing, watches and jewelry, instruments, office equipment, or electronics. Does not include automotive, boat, and similar intensive repair use types.

Residential. Non-commercial single- or multi-family dwellings; uses; or district designation.

Residential Facility, Commercial. A residential structure, or portion thereof, licensed to provide contracted room and board, personnel care, habilitation services and activities, and supervision in a family setting for not more than six persons unrelated to the owner.

Restaurant. An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Retail. Businesses engaged in selling or renting goods or merchandise to the general public and rendering services incidental to the sale of such goods, where the total area utilized by a single tenant, including area used for the display of goods for sale (including outdoor display) but exclusive of employee parking, occupies less than 40,000 square feet.

Retail, Large Scale. Businesses engaged in selling or renting goods or merchandise to the general public, and rendering services incidental to the sale of such goods, where the total area utilized by a single tenant, including area used for the display of goods for sale (including outdoor display) but exclusive of employee parking, occupies 40,000 square feet or more.

Riding Stables. A commercial stable where horses are boarded and may be rented for trail rides, pack rides, etc. May include riding lessons and horse training, and incidental sales of equestrian supplies. Does not include riding arenas where events open to the public are staged.

Runoff. The portion of rainfall, melted snow, irrigation water, and any other liquids that flows across ground surface (and eventually is returned to streams).

-S-

School. Any structure or part thereof, which is designed, constructed, or used for education or instruction in any branch of knowledge.

Services, Personal and Business. Businesses offering services such as barbershops, beauty shops, tailors, shoe repair, pet grooming, laundromats, laundry and dry cleaning, pickup and delivery stations, photocopying services, office product repair services, catering services, and similar uses. Production of finished goods may occur as an activity accessory to the delivery of services.

Shared Access. A fixed automotive and pedestrian access location from a street to two or more adjoining properties which have the right mutually and ability to use the access, and which have been established by an easement or other legally binding means.

Sign. Any device, fixture, placard, or structure that uses form, graphic, illumination, symbol, or writing to advertise, announce the purpose of a person or entity or to communicate information of any kind to the public.

Sign, Animated or Moving. Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

Sign, Face. The area or display surface used for the message.

Sign, Flashing. Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign, Freestanding. Any non-movable sign not affixed to a building.

Sign, Off-Premises or Billboard. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, Temporary. A sign or advertising display constructed of cloth, canvas, plywood, or other light material and designed or intended to be displayed for a short period of time.

Sign Area. The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

Special Events Facilities. Facilities that are privately owned, commercial operated, and available for temporary, intermittent rental. Including, but not limited to, any indoor facility, either independent or in conjunction with an outdoor area, used exclusively for temporary assembly of people attending events such as: entertainment (musical, performance theatre), and ceremony (wedding, group reception). Also includes outdoor events occurring for a fixed period including, but not limited to, flea markets, fireworks displays, and riding arenas. The uses shall not include overnight accommodation.

Structure. A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Substantial Damage. Damage sustained by a structure where the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred as determined by Gallatin County's last equalized assessment roll.

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement; or before the damage occurs. It does not include alterations for listing on National Register of Historic Places or State Inventory of Historic Places; or to comply with existing local health and safety sanitary codes to assure safe living conditions.

-T-

Traffic Impact Study. A report analyzing anticipated roadway conditions with and without an applicant's development.

Transfer of Development Rights (TDR). The transfer of the right to develop or build, expressed in dwelling units per gross acre, between parcels.

Trees, Canopy. A species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity.

Trees, Large. Trees that, at time of installation, have a minimum caliper of one and one-half inches to two inches, or a minimum height of ten feet.

Trees, Non-Canopy. A species of tree which normally bears crown foliage lower than 6 feet above ground level upon maturity.

Trees, Small. Trees that, at time of installation, have a minimum caliper of one inch to one and one-half inch, or a minimum of eight feet in height.

-U-

Unit. A residential lot, a commercial lot, a condominium, a townhouse, an individual recreational vehicle parking site or a manufactured home lot.

Use. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied for any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use, Temporary. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

-V-

Variance. A provision which allows modification to a regulation or waiver of the general development and building standards when a literal enforcement would result in unnecessary or undue hardship and the granting of the variance is not contrary to the public's health, safety, and general welfare.

Vested Right. A right that cannot be changed or altered by changes in regulation.

Violation. The failure of a structure, subdivision, use of land, or other development to be fully compliant with the governing regulations.

-W-

Warehousing. An enclosed building designed and used primarily for the storage of goods and materials. Includes self-storage (mini-warehousing) and outdoor storage of RV/boats/trailers not for sale.

Watercourse. Any natural stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and has a definite channel, bed, and banks, and includes any area adjacent thereto subject to inundation by reason of overflow. The term watercourse shall not be construed to mean any facility created exclusively for the conveyance of irrigation water.

Wetlands. Wetlands are transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For

the purposes of this classification, wetlands must have one or more of the following three attributes (note that this includes both isolated wetlands and wetlands categorized as Waters of the U.S.):

- i.* At least periodically, the land supports predominantly hydrophytes;
- ii.* The substrate is predominantly undrained hydric soil; or
- iii.* The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of the year.

-Z-

Zoning Enforcement Agent. The duly authorized agent appointed by the Planning and Zoning Commission for the purpose of administering and enforcing this Regulation.

Zoning Map. The map or maps that are a part of the zoning regulations and delineate the boundaries of the zone districts.

Use Chart*

*For detailed notes, please see Sub-District chapters.

<u>Agriculture and Related Uses</u>	Agriculture and Rural Residential	Mixed Use	Commercial	Neighborhood Commercial
Agriculture and Agricultural Activity	P	P	P	P
Riding Stables	P	P	P	P
<u>Residential and Accessory Uses</u>				
Residential accessory uses, guesthouses, and caretaker's residences	P	P	P	P
Residential uses, up to and including four-plex units	P	P	P	P
Residential Uses, Exceeding Four-Plex Units	C	P	P	C
Home-based businesses	C	P	P	P
Home Occupations	P	P	P	P
Mobile Home Parks	P	P	P	P
<u>Public</u>				
Emergency Service Operations	-	P	P	-
Community Centers	C	P	P	C
Lodges and Clubs	-	P	P	-
Public and Quasi-Public Institutions	-	P	P	P
Religious Organizations and Places of Worship	P	P	P	P
Schools	P	P	P	P
<u>Industrial</u>				
Asphalt mixing plants	-	C	C	-
Essential Services, Type I	P	P	P	P
Essential Services, Type II	C	C	C	C
Laboratories and	-	P	P	-

Research Establishments				
Junkyards and Salvage Yards	-	C	C	-
Manufacturing, Light	-	C	P	
Manufacturing, Heavy	-	-	C	-
Solid Waste Transfer Stations	-	-	P	-
Sand and Gravel Mining Operations	C	C	C	C
<u>Commercial</u>				
Alcohol/Gambling Establishment	-	C	P	P (Alcohol only)
Amusement and Recreation Facilities	-	C	P	-
Arts and Entertainment Center	-	P	P	-
Automobile Fuel Sales	-	-	P	C
Automobile Washing Establishment	-	C	P	C
Bed and Breakfast Inns	C	P	P	C
Communication Towers	C, outside of platted subdivisions	C	C	C, outside of platted subdivisions
Convenience Uses	-	P	P	C
Daycare facilities in compliance with applicable state regulations	C	P	P	P
Financial Institutions and Services	-	P	P	P
Firework Stands	-	C	P	-
Golf Courses and Country Clubs	C	C	C	C
Health and Exercise Establishments	-	P	P	P
Hotels and Motels, including extended-stay lodging	-	C	P	-
Medical/Dental Clinics	-	P	P	P
Museums	-	P	P	-
Non-Conforming Uses	C	C	C	C

(Expansion)				
Nursing / Residential Care Facilities	C	C	P	C
Offices	-	P	P	P
Repair	-	C	P	C
Repair, Light Good	-	P	P	-
Restaurants	-	P	P	P = Excluding drive-in windows; C - Including drive-in windows
Retail	-	P	P	-
Retail, Large Scale	-	C	P	-
RV Parks and Recreational Campgrounds	C	P	P	C
Services, Personal and Business	-	P	P	P
Self Storage	C	P	P	C
Special Events Facilities	C	P	P	C
Veterinary Clinics, Not Including Animal Kennel Operations	C	P	P	-
Warehousing	-	P	P	-
Wind or Solar Towers	P	P	P	P

Key:

P = Principle Use

C = Conditional Use

-- = Prohibited